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Committee on the Rights of the Child
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Summary record (partial)* of the 2135th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 September 2016, at 10 a.m.

Chair: Mr. Mezmur

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined initial to sixth periodic reports of Nauru (continued) (CRC/C/NRU/1-6; CRC/C/NRU/Q/1)

1. *At the invitation of the Chair, the delegation of Nauru took places at the Committee table.*

2. **Ms. Muhamad Shariff** asked how the State party dealt with children living in the safe house, for whom returning home was unsafe.

3. **Mr. Rodríguez Reyes** asked whether the provisions of the International Code of Marketing of Breast-milk Substitutes would be incorporated into domestic legislation and what specific programmes and policies ensured that children were breastfed immediately after birth, promoted exclusive breastfeeding for the first six months of their lives and encouraged continued breastfeeding until they were 2 years old. He wished to know whether there were national information campaigns encouraging mothers to breastfeed; whether the newly constructed hospital would adopt the baby-friendly hospital initiative, which promoted breastfeeding; whether the existing hospitals in the State party were sufficient to meet the needs of Nauruan citizens as well as the refugee population and whether there was a mobile unit that provided primary health to those unable to travel.

4. **Ms. Scotty** (Nauru) said that most mothers in Nauru breastfed their children. Breastfeeding was an integral part of the public health message and events were organized each year to celebrate World Breastfeeding Week. Mothers who did not breastfeed could use powdered milk imported from Australia. The new Public Service Act provided for paid maternity leave for women working in the public sector amounting to a minimum of three months, plus one additional month for each year of service.

5. The new hospital had been equipped to an extremely high standard and represented a significant improvement on existing facilities. Community clinics had been set up across the country with assistance from Australia and were staffed by community nurses who assisted those unable to travel to hospital.

6. **Mr. Rodríguez Reyes** asked whether the new hospital was fully operational.

7. **Ms. Scotty** (Nauru) said that the new hospital was not yet fully completed. She would pass on to the Ministry of Health the suggestion that the hospital should implement the baby-friendly initiative.

8. The Education Act 2011 had raised the school-leaving age from 16 to 18 years. The captains, vice-captains and prefects mentioned in the report were classroom leaders in higher primary and secondary schools. Young mothers were not forced to return to school and could receive education in literacy and mathematics through Nauru Youth Affairs. All teachers, both Nauruan and foreign, were required to hold teaching qualifications, and local teachers' skills were improved with the assistance of an Australian university. Teachers also received in-service training, and a number of Nauruans had been awarded scholarships to study for education qualifications abroad.

9. The parents of children who truanted faced a fine of $A 200, a sanction that also applied to refugees and asylum seekers. Pupils who attended school, behaved well and completed their work received 5 dollars per day. That scheme extended to refugees and asylum seekers and was monitored by Liaison Officers. The School Feeding Programme was run by community volunteers and supervised by the health authorities.

10. The opening of the Able Disabled Centre represented a significant achievement, although persuading the parents of children with disabilities to allow them to attend was

extremely challenging. There was ongoing training for the Centre's teachers, for example in sign language and Braille.

11. The budget for Nauru Public Health was $A 4 million, which was mostly spent on overseas medical referrals. If the local hospital was unable to treat a refugee, he or she was sent to Australia, while Nauruans could be referred to hospitals in Australia, Taiwan Province of China, Thailand and Fiji. Non-communicable diseases were tackled through education on lifestyle changes. Although there were no cases of HIV/AIDS in Nauru, awareness-raising activities were organized by a committee. Vaccinations were free for everyone, and parents were encouraged to vaccinate their children. Community nurses vaccinated those unable to travel to hospital.

12. **Mr. Cardona Llorens**, noting that the Able Disabled Centre was not a school and did not provide formal education, and that many parents of children with disabilities chose not to use it, said that the State was responsible for ensuring that all children, including those with disabilities, enjoyed the right to education regardless of their parents' beliefs. Children with disabilities should receive formal education and should not be segregated. He asked whether any effort had been made to allow children with disabilities to attend mainstream schools and to provide the necessary training for teachers. Had Nauru ratified the Convention on the Rights of Persons with Disabilities and were policies planned to enable children with disabilities to participate in society on an equal footing with non-disabled children?

13. **Ms. Aho Assouma** said that she would welcome information on school dropout rates at the different levels of the education system, particularly with regard to refugee children, who suffered discrimination and often preferred to remain in their camps. She asked how the portion of the health budget spent abroad was allocated, what proportion of that budget was spent on health services in Nauru, what monitoring mechanisms were in place to detect HIV/AIDS, what counselling was provided to young people, why so many health-care workers came from abroad and how health-care training at the local level was promoted.

14. **Ms. Sandberg** asked what reasons lay behind the high truancy rates, whether those rates were high at all levels of the education system and whether they were linked to low-quality education or to parents' wishes for the children to undertake other tasks. She wished to know whether education was compulsory until 18 years of age.

15. **Ms. Scotty** (Nauru) said that the State party respected the right of the parents of children with disabilities to choose whether their child attended the Able Disabled Centre. The Centre's teachers provided basic education and cared for children with a range of disabilities. The country had insufficient financial resources to provide inclusive education.

16. School dropout rates were highest at the higher primary and secondary levels. Refugee children were often kept away from school by their parents as a form of protest. Nevertheless, some refugee children had achieved significant success at school, including one who had recently graduated from university. Education was compulsory up to the age of 18; businesses had been warned that they risked prosecution if they employed children, and the number of children in employment was decreasing. Many higher primary school children attended private schools or schools in Australia.

17. **Ms. Sandberg** asked for confirmation that the $A 5 regular allowance helped combat truancy among older children.

18. **Ms. Scotty** (Nauru) said that Ms. Sandberg was correct in her understanding in that regard.

19. **Ms. Sandberg** asked what happened at home to children who misbehaved at school and returned to their parents without the $A 5 allowance.

20. **Ms. Aldoseri** asked whether child asylum seekers and refugees had access to education within the Regional Processing Centre. The Committee had been informed that a number of such children had suffered from bullying and violence in mainstream schools and had left education as a result. She asked whether any measures had been taken to tackle bullying in schools and whether any data on the issue were available.

21. **Mr. Cardona Llorens** asked for confirmation that parents of non-disabled children who failed to attend school were fined $A 200 but that parents of children with disabilities could choose whether or not to send them to school.

22. **Ms. Scotty** (Nauru) said that parents of children with disabilities did not always consider education necessary, given the resilient nature of family support networks in the State party. The Education Department and the Nauru Disabled People's Association were working to promote opportunities for children with disabilities.

23. Refugee children had previously been taught at a school within the Regional Processing Centre but currently attended mainstream schools, where they were taught by Australian teachers. Australian counsellors provided support to unaccompanied minors. Media reports of bullying of refugee children in Nauruan schools should be treated with caution. Anti-bullying policies had been put in place and a workshop had been held in that regard for the parents of refugee and local children. Significant progress had been made with regard to the integration of refugee children into mainstream schools and community play centres. The Australian Government had provided funding to pay for psychologists to assist refugee children. The Nauruan authorities employed psychologists in secondary schools to give support to local children. Children living at the Regional Processing Centre were provided with a 24-hour bus service, could leave and return to the centre at any time and were bussed to school according to age-range, in order to avoid bullying and overcrowding.

24. **The Chair** asked how the national authorities dealt with children with behavioural problems.

25. **Ms. Scotty** (Nauru) said that liaison officers had been recruited to assist such children and to work with the parents concerned to improve their children's behaviour.

26. **Ms. Sandberg** asked whether an independent mechanism had been put in place to receive complaints of bullying in schools and whether any studies into the problem had been carried out.

27. **Ms. Khazova** asked for information on the contents of school-based anti-bullying training programmes and on any efforts to include a component on tolerance with regard to refugee children in those programmes.

28. **Ms. Scotty** (Nauru) said that, working in conjunction with Save the Children, the Government had introduced an anti-bullying programme to improve life at school for all children in the State party, involving parents of both refugee and local children.

29. As a part of an agreement with Fiji National University, a training school for nurses had been opened in Nauru. However, rather than remaining in or entering the public sector, many Nauruan nurses preferred to work at the Regional Processing Centre, owing to the higher wages on offer there.

30. **Mr. Masaurua** (Nauru) said that, under the Tobacco Control Act, 2009, all retailers of those products must display posters and stickers in their establishments stating that it was illegal to sell tobacco to persons aged under 18 years. Any vendors failing to comply with the law in that regard were fined. It was forbidden to sell tobacco products on "World No Tobacco Day", an event which was marked in schools by talks on the dangers of tobacco consumption. "No smoking" signs must be displayed in restaurants and cafes. It was also

forbidden to smoke in the workplace, within 200 metres of a school or in sight of children attending school. The legal age for the consumption of alcohol was 21 years under the Liquor Act, 1967, and public health officials had carried out actions to raise awareness of the impact of alcohol consumption, including through televised advertisements. The Family Life Education module, delivered in 2015 to year 9 students, had covered the issues of alcohol, tobacco products, reproductive health, sex education and adolescent pregnancy and would be extended to cover lower secondary level education.

31. Awareness-raising campaigns on the dangers of obesity and diabetes and the importance of healthy living were regularly carried out. Efforts had been made to provide the population with access to exercise and weight-loss programmes and to raise awareness of non-communicable diseases, including through visits to workplaces by public health officials. There had been no reported cases of HIV/AIDS in Nauru but every effort was being made to inform the public of the dangers of both that condition and other sexually transmitted infections, mainly through a grass-roots, civil-society based education programme, the distribution of condoms and the dissemination of relevant information through social media. Tests for such medical conditions were carried out as a part of all medical check-ups.

32. **Mr. Nelson** (Country Rapporteur) asked whether the programmes on the dangers of alcohol and tobacco products formed part of the school curriculum, whether they were run on a regular basis and whether any cases of vendors selling such products to minors had been investigated.

33. **Ms. Aho Assouma** said that information would be welcome on the care and treatment available to children using alcohol and/or tobacco products, the distribution of condoms to young persons, in particular in the light of the high adolescent pregnancy rate, and the provision of advice on reproductive health care in schools.

34. **Mr. Masaurua** (Nauru) said that children with disabilities were taught gardening and life skills in order to ensure that they would be self-sufficient in future life. Despite the fact that, owing to a lack of resources, previous attempts to integrate children with disabilities into mainstream schools had failed, inclusive education remained a goal for the Government. Under the recently adopted Pacific Disability Rights Framework, the State party had a duty to promote inclusive education.

35. School captains, vice-captains and head boys or girls provided other students with extra support and mentoring, while learning discipline and leadership skills. A student council programme had been set up to enable schoolchildren to discuss issues with school principals.

36. The Committee would be sent the data on the numbers of child refugees and asylum seekers once the delegation had returned to Nauru capital. The Department of Multicultural Affairs, the Government of Australia and the Regional Processing Centre service providers would address the issue of the provision of services in the post-February 2017 period within the Centre in the near future. In the meantime, the Government of Nauru would provide any assistance that might be required.

37. Refugees currently lived in the wider community, in houses equipped with air conditioning, kitchens, bathrooms and toilets. Young refugees had access to education, health care and school transport services. Efforts were ongoing to move asylum seekers from tents to permanent accommodation. Refugees and asylum seekers enjoyed full access to the Republic of Nauru Hospital and the International Health and Medical Services.

38. The main task of the Department of Multicultural Affairs was to deal with issues affecting refugees and asylum seekers in a humane way and to coordinate with international organizations and other stakeholders in that regard.

39. Wide-ranging public consultations would be necessary before any steps could be taken to set up a dedicated youth court. There was no specific legislation in place on young persons. However, a national youth council, whose members were aged between 14 and 34 years, had been set up by the Ministry of Home Affairs to identify issues affecting youth, develop appropriate strategies and facilitate the implementation of the National Youth Policy. Juvenile justice cases were dealt with by the ordinary courts. There were no separate detention facilities for young offenders but special wardens had been appointed to watch over them. The safe house offered shelter to children victims of abuse or domestic violence and a full-time counsellor was on hand to provide such victims with assistance. However, children in difficult situations usually turned to family members for help. There were no children's institutions in the State party.

40. Nauru was a matriarchal society and, consequently, the first point of contact for a child was often his or her mother. There was currently no specific NGO working in Nauru to provide assistance to children who had suffered abuse, although there were a number of faith-based organizations that offered such support. The Government of Nauru would welcome more assistance from the international community in addressing the problem of child abuse.

41. With regard to the high number of expatriate workers in Nauru, the Government was doing its best to educate Nauruan nationals by sending them abroad for studies and training. For instance, one Nauruan national had returned from studying medicine in Cuba and others had been trained as nurses in Fiji. Nauru recognized the important contribution of retired nurses from Fiji working in Nauru to provide high-quality medical care for the Nauruan people.

42. **Mr. Nelson** said that he was disturbed by the fact that young offenders were being detained together with adults, as it would encourage young offenders to commit further crimes in the future. If it was not possible to place young offenders in a separate facility, they should at least be detained in cells separate from adult offenders.

43. **Mr. Masaurua** (Nauru) said that young offenders aged 14-18 were never fully deprived of liberty. They were mainly made to carry out community service under the supervision of a correction officer or community leader. In response to the requests for clarification from Ms. Winter, Ms. Sandberg and Ms. Ayoubi Idrissi, he said that young offenders aged 14-18 lived with their parents at home under strict supervision and were obliged to observe curfews. The Government, through its emphasis on community service, was trying to devise an alternative to imprisonment, which would assist in the personal development of the children, serve their best interests, and help them to contribute to their community.

44. **Mr. Kotrane** said that he found it difficult to believe that children aged 14-18 who had committed a serious crime, such as murder, would not be punished by deprivation of liberty in the State party. The Convention did not prohibit the deprivation of liberty of children as long as it was employed as a last resort and in accordance with the gravity of the crime committed.

45. **Ms. Muhamad Shariff** said that she would like to know whether the punishment of community service imposed upon a child interfered with his or her education.

46. **Mr. Nelson** said that he had information regarding a child aged 16 years who had been convicted in July 2016 and sentenced to 18 months' imprisonment, 9 of which the defendant would serve in a correctional service. The case in question demonstrated that the State party did in fact punish children with deprivation of liberty.

47. **Mr. Masaurua** (Nauru) said that cases of murder committed by children were very rare in Nauru. The crimes for which children were required to carry out community service

were petty in nature, such as theft or street fighting. If a child committed murder or another serious crime, the courts would undoubtedly impose a punishment in accordance with the gravity of the crime. The case referred to by Mr. Nelson was very recent.

48. There were no national sanctions in place for the international movement of asylum seekers or refugees. No restrictions applied to such persons leaving or entering Nauru. There had thus far been two cases of refugees travelling abroad to Fiji on official work duty. Family reunification applications submitted by asylum seekers or refugees were encouraged and duly considered.

49. With regard to the family environment, no formal institution existed in Nauru to look after children in need of care. Safe houses were readily available but provided a temporary solution only. The first point of contact for such children was their family. There had not been any formal case registered in which a child had needed to be removed from his or her family. There had, however, been cases in which the relatives of a child had intervened in order to remove the child from an immediate family member and had looked after the child on a temporary basis. Nauru did not have a high number of NGOs working to provide support to such children. There were, however, a number of faith-based organizations that provided counselling to families.

50. **Ms. Tebouwa** (Nauru) said that teaching on the dangers of tobacco consumption had been included in the Family Life Education module, which was itself part of the school curriculum. A "No Tobacco Day" programme was held annually and organized by the Ministry of Health. Programmes ensuring the availability of condoms for young people had recently been introduced. Condoms were available over the counter at public health clinics. Despite initial parental concerns, sex education for children was gradually being accepted by the Nauru community.

51. **Ms. Khazova** said that she would appreciate further clarification regarding reports that children seeking asylum were often separated from the family members with whom they had arrived in Nauru. She asked whether adoption services were available in the State party, whether the delegation had figures at hand regarding the number of children housed in childcare institutions, whether such children had to remain in the institutions until they reached the age of majority, and whether the State party was planning to revise regulations that gave sole guardianship of a child to the mother if she was not married to the child's father.

52. **Ms. Aho Assouma** said that she would welcome a comment on whether cases of maternal mortality in Nauru could be at all attributed to a lack of communication arising from language barriers between expatriate medical staff and local mothers.

53. **Ms. Scotty** (Nauru) said that as all people from Nauru spoke English, there was no lack of communication between Nauruan mothers and English-speaking expatriate medical staff. Refugees or asylum seekers who did not speak English were provided with interpreters if necessary.

54. There were no existing institutions for children in need of care in Nauru. A kinship care system was in place if a child experienced problems with an immediate family member. No child had been permanently removed from his or her immediate family. In cases of child abuse, the child in question would be temporarily taken away from his or her immediate family but would eventually return once the problem had been resolved. Courts tended to intervene in the event of a child being orphaned. Taking into consideration the best interests of the child, the court would decide which family member was best placed to look after the child in question. The adoption of Nauruan children was prohibited; only stateless children could be adopted. With regard to the issue of sole guardianship, the life expectancy of Nauruan men was lower than that of women. Given that children required a

stable figure in their lives, mothers were given sole guardianship of their child if they were not married to the father of the child.

55. **Ms. Tebouwa** (Nauru) said that families seeking asylum in Nauru were never broken up. Such families were housed in Regional Processing Centre (RPC) 3. Family members had previously been required to submit individual applications for asylum but the law had been amended to allow families to be considered under a joint application.

56. **Mr. Gastaud** (Country Rapporteur) said that he would like to know whether corporal punishment was currently prohibited by law under all circumstances or, if not, whether it would be prohibited by law in the future.

57. **Ms. Khazova** said that she would appreciate a comment on the State party's approach to dealing with unaccompanied minors seeking asylum. Referring to the issue of sole guardianship, she noted that, despite the shorter life expectancy of Nauruan men, not every father of a child born to a single mother was deceased and, if the father of such a child was alive, the child should be allowed to have contact with him.

58. **Ms. Scotty** (Nauru) said that, since the introduction of the Education Act in 2011, corporal punishment in schools had been prohibited. Prior to the Family Protection Act being passed in Parliament, a division within the Ministry of Home Affairs had visited communities in Nauru to explain to parents the difference between discipline and corporal punishment. Replying to a question from Ms. Sandberg, she said that corporal punishment at home had been prohibited following the passing of the Family Protection Act and that the police force was receiving training in that respect. As regards the matter of sole guardianship, there had recently been cases of fathers who were not married to the mother of their child but who had nonetheless acknowledged paternity of the child in question.

59. **Ms. Aho Assouma** said that she would like to know how the State party ensured that children suffering from tobacco and alcohol abuse were supported with regard to medical care and reintegration into society. She asked whether there had been any prosecutions of those who had sold tobacco and alcohol to children or of those who had sent children to buy such substances on their behalf.

60. **Ms. Tebouwa** (Nauru) said that four mothers had died in childbirth in the period from 2011 to 2013.

61. **Ms. Scotty** (Nauru) said that anti-smoking campaigns were run on Nauru and that there was a law against selling alcohol and tobacco products to minors. Offenders were punishable by a fine of up to $A 5,000. They could also lose their business licence.

62. **Ms. Sandberg** said that she wished to know what recourse child refugees in particular had if they felt they were being bullied. She wondered whether the Nauruan Government intended to investigate reports that child refugees were frequently bullied and, if those reports were confirmed, what it intended to do in response.

63. **Ms. Scotty** (Nauru) said that every refugee family had a caseworker to whom complaints could be submitted. The caseworker ensured that the complaints were forwarded to school principals or, if appropriate, the Office of the Secretary of Education. She acknowledged the advisability of carrying out a study to determine whether the reports of bullying faced by child refugees were accurate. If she was not mistaken, the Parliament of Australia had set up a commission to look into those reports.

64. **Mr. Masaurua** (Nauru) said that child refugees could submit complaints about bullying not only to their caseworkers but also through school-specific mechanisms that could be used by Nauruan and refugee children on an equal basis. It would nonetheless be preferable for child refugees and their families to take complaints to their caseworkers.

65. **Ms. Muhamad Shariff** asked whether it was the courts that ordered children to perform community service. What was done to ensure that such service did not conflict with the children's schooling?

66. **Mr. Masaurua** (Nauru) said that children performed community service only if ordered to do so by the courts, in consultation with the Corrections Office. The authorities had not given any thought to ensuring that community service did not impinge on a child's right to an education. They would do so in the future.

67. **The Chair**, referring to recent reports in The *Guardian*, said that no one should let the inevitable minor mistakes made by journalists, who were not the Committee's sole source of information, cause him or her to lose sight of what had to be done to ensure the safety of children in the State party, in particular refugees. He reminded the delegation members that their appearance before the Committee was their opportunity to describe the situation on the ground as they themselves saw it. What did the Nauruan authorities themselves consider their main challenges? How did they plan to address them?

68. **Ms. Scotty** (Nauru) said that there were three Regional Processing Centres on Nauru. Families and single women were housed in Regional Processing Centre 2 and single men in Regional Processing Centre 3. Administrative and dining facilities were located in Regional Processing Centre 1. The Department of Justice and Border Control was responsible for processing applications for refugee status.

69. A new school, built by the Australians, was due to open very shortly and would help reduce classroom overcrowding, particularly in the middle primary years. Teachers, interpreters and school counsellors and psychologists were generally recruited from Australia.

70. International Health and Medical Services, an outside service provider, was responsible for the health and well-being of the refugee community, while personnel from Connect Settlement Services, which had replaced the Salvation Army and Save the Children, worked together with officials from the Department of Multicultural Affairs to help ensure that refugees transitioned smoothly into community life on Nauru. The Salvation Army and Save the Children had been replaced because some of their personnel had actively encouraged refugees to harm themselves. It had also been hard for Nauruan officials to work effectively with organizations that were responsible for negative portrayals of the Processing Centres and had an agenda different from that of the Government.

71. She herself had seen pictures of children with nooses around their necks on the Facebook pages of refugees on Nauru. The intention of the pictures had been to show the world what Nauru had been forcing those children to do. She wondered who had put them up to such a stunt. It had certainly not been her Government. It was not uncommon for refugees who wished to leave Nauru to discourage other refugees from expressing satisfaction with their situation. Nauru was unjustly vilified, in many cases by refugees whose wish to leave gave them an incentive to portray the conditions of their life in the country as worse than they really were. In addition, reports critical of Nauru were often produced by visitors who stayed on the island for only a brief time or consulted unreliable sources. Nauru was a very small country, where there were few secrets, if any. Everybody knew everybody else's business, yet she had read press reports describing events about which she had had no inkling.

72. **Ms. Sandberg** said that although the Committee understood that the situation in the State party was complex, the allegation that Save the Children had encouraged child refugees to harm themselves was unacceptable. In addition, the focus should be on children, not refugees in general, and when the authorities saw pictures of children with nooses around their necks, the proper reaction would be not to lash out in anger at such reputable

organizations as Save the Children but to look more closely into what was happening, which would necessarily involve talking to the children themselves.

73. **Ms. Scotty** (Nauru) said that she blamed the parents of the children who appeared on Facebook with nooses around their necks. For the study of the situation of child refugees on Nauru, she would have to follow the matter up with officials from the Department of Multicultural Affairs.

74. **Mr. Gastaud** said that the Committee wished to encourage the State party to proceed with judicial reform, reduce discrimination against vulnerable children and eradicate all forms of violence against children. The State party should also move towards establishing a juvenile justice system in line with international standards. The Committee's concluding observations would reflect its observations in greater detail. On behalf of the entire Committee, he expressed the hope that it would not be another 21 years before a delegation from Nauru appeared again before the Committee.

75. **Ms. Scotty** (Nauru) said that her Government took its commitment to children's rights seriously. In that connection, she called on the international community to provide Nauru with assistance, in particular with respect to data collection, the establishment of a national human rights institution, policy reform, awareness-raising and involving children and their families in the implementation of the country's obligations under the Convention.

The discussion covered in the summary record ended at 12.50 p.m.